

## **REMARKS**

### **FORMAL MATTERS:**

Claims 48-53, 63-66 and 72-80 were examined and rejected. Claims 54-61 and 75-77 have been withdrawn from consideration. Claims 1-47, 62, 67-71 and 81-83 were previously cancelled.

By this Amendment, claims 48 and 63 have been amended and claims 72 and 78 have been canceled without prejudice to renewal. Support for the amendments is found throughout the specification. Accordingly, no new matter has been added.

Claims 48-61, 63-66, 73-77 and 79-80 are pending after entry of the amendments set forth herein.

### **INFORMATION DISCLOSURE STATEMENT:**

The Applicants note that three Information Disclosure Statements (IDS), each including an SB/08A forms, were submitted in this application upon filing of the application on February 12, 2002 and on March 18, 2002 and February 20, 2004. All three IDSs have been reported to have been received by the Patent Office. The Applicants respectfully request that the Examiner initial and return these SB/08A forms, thereby indicating that the references cited in the IDSs have been reviewed and made of record. For the Examiners convenience, a copy of each of these three form is enclosed herewith.

### **REJECTIONS UNDER §103**

Claims 48 and 63 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ke et al.

These claims have been amended to include the step of providing a vibratory stimulus to the fractured bone. Ke et al. does not disclose, suggest or teach using a vibratory stimulus. Accordingly, these claims are patentable of Ke et al. Applicant is not herein individually addressing each rejection of the remaining dependent claims but submits that they are patentable over Ke et al. for at least the above reason.


**CONCLUSION**

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number NPAG-001.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: 02/03/05

By:   
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Enclosure(s): SB/08A forms submitted on February 12, 2002, March 18, 2002 and February 20, 2004.

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